(32)

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**Writ Petition (S) No. 4325 of 2007**

**PETITIONER** S. Khalkho, S/o Late B. Khalkho, Aged about 59 years 5 months, Presently working as Sub-Divisional (Forest) Officer, Janakpur, Forest Division Manendragarh, Distt. Koria (C.G.)

***Versus***

**RESPONDENTS**

1. State of Chhattisgarh – Through the Secretary, Forest Department, DKS Bhawan, Raipur (C.G.)
2. The Under Secretary, State of Chhattisgarh, Forest Department, DKS Bhawan, Raipur (C.G.)
3. Shri Vinod Kumar Sahu, Deputy Managing Director, District Union, Laghu Vanopaj Sangh, Dharamjaigarh, Forest Division Raigarh, Distt. Raigarh (C.G.)

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**Appearance:**

Shri P. Diwarkar, Sr. Advocate with Shri Ashish Surana, counsel for the petitioner.

Shri Arvind Dubey, Panel Lawyer for the State/ respondents No. 1 & 2 of advance copy.

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**ORAL ORDER**
**(30.7.2007)**

**SUNIL KUMAR SINHA, J.**

Heard on admission.

The petitioner, who is presently working on the post of Sub-Divisional Officer (Forest), Janakpur, Forest Division Manendragarh, District Koria, has been transferred to District Union, *Laghu Vanopaj Sangh*, Dharamjaigarh, Forest Division, Raigarh.

Among other grounds, learned counsel for the petitioner mainly raises the ground that the petitioner is at the verge of superannuation, who has to retire on 28.2.2008. He submits that practically, an employee, who has to retire within a short period, faces great hardship, if he is transferred in such situation. He submits that the rights of such employees have been

protected by the policy of the State, which was framed on 13th June, 2007, copy of which has been filed as Annexure-P/2. He draws my attention towards clause 7, which is quoted as under:

> "7.जिन शासकीय सेवकों की सेवानिवृत्ति के लिए 1 वर्ष का समय शेष रह गया हो, उन्हें गृह जिले में अथवा उनके विकल्प के जिले में पदस्थ किया जा सकेगा, यदि सामान्य पुस्तक परिपत्र के अनुसार यह अनुज्ञेय हो।"

Having gone through the contents of the petition and after hearing the arguments advanced by learned counsel for the petitioner, I am of the opinion that the ends of justice would be served, if the petitioner is directed to file a representation before the concerned authority and the concerned authority is directed to dispose of the same at the earliest, looking to the grievance raised by the petitioner.

Consequently, the petition is disposed of with direction to the petitioner that if so advised, he may file a detailed representation before the concerned authority within a period of 15 days from today along with certified copy of this order and the copy of writ petition and if such a representation is filed, it shall be decided by the concerned authority within a further period of 60 days from the date of receipt of such representation. It is also directed that in the meanwhile, the transfer order shall be kept in abeyance and the petitioner shall be allowed to continue at his present place of posting.

With aforesaid directions, the petition stands finally disposed of.

Sd/-
Sunil Kumar Sinha
Judge

vatti